

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-2 and 11-12 are currently pending.

According to the Office Action, claims 1-2 and 11-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,003,298 to Jagadeesan. Applicants have carefully reviewed this reference and the comments recited in the Office Action and respectfully traverse the rejection. The present invention, as expressed in independent claims 1 and 11, is directed to a wireless communication unit and a communication network switch that handle the hand-out of on-hold calls from a first communication network to a second communication network. In particular, both the wireless communication unit and the network switch include a controller that manages and retrieves an on-hold call from the first communication network after the wireless communication unit is handed out from the first communication network to the second communication network. The on-hold call is managed and retrieved via a call leg established to support the on-hold call while the wireless communication unit is operating in the second communication network.

As found in the claims, the present invention is for an on-hold call which remains on the first communication unit. Moreover, the on-hold call is maintained on the first communication network by a call leg while the wireless communication unit is operating in the second communication network. In other words, the call leg maintains a connection to the first communication network when the wireless communication network is in the second communication network. This call leg purpose is to support the on-hold call in the first communication network and does not support active communication.

Jagadeesan is directed to devices, software methods that hand off a live call from an original leg of a first modality (such as a Circuit Switched Voice) to an alternate leg of another modality (such as Voice over Internet Protocol.) An original leg of a call is established using the first modality. Then the alternate leg of the call is established using

the second modality, while the first leg is still established. Then the call is handed off from the original leg to the alternate leg, while the connection is active.

As stated, Jagadeesan is directed to “handing off a live call from an original leg . . . to an alternate leg” See Abstract, column 2, lines 33-36. Jagadeesan therefore including those sections cited to in the Office Action are discussing a hand off procedure where a first leg is connected to a circuit switch port to a second leg that is connected to a packet switch port, or vice versa, and then the first leg is dropped. “It will be appreciated that the illustrated sequence is a make-before-break sequence.” See column 3, lines 44-45 and column 5, lines 27-28. Accordingly, the first call leg is broken down after the second call leg is established. The active or live call can be conducted over both the first leg and the second leg during the hand off procedure, but once the hand off procedure is complete there no call leg back to the first communication network. Jagadeesan makes no reference to on hold calls and the issues that surround these specialty calls.

The present invention as found in the claims is not directed to the hand out procedure as disclosed by Jagadeesan. Independent claims 1 and 11 clearly state that the controller operates “after a handout of the wireless communication unit from the first communication unit.” Thus, the call leg between the first and second communication networks is maintained after handout while in Jagadeesan after handout is completed the second call leg is broken down. In addition, the claimed call leg of the present invention is to manage and retrieve the on-hold call on the first communication network while the call in on the second communication network while in Jagadeesan the first and second call legs are for handover of active calls from the circuit switched network to the packet switched network. In sum, the present invention maintains a call leg for on-hold calls while Jagadeesan does not maintain call legs for any purpose after the handover is complete.

In view of the foregoing, it is respectfully submitted that Jagadeesan does not disclose the call leg used for managing and retrieving an on-hold call that is on a first communication network while a wireless communication unit is operating on the second communication network. Applicants therefore respectfully submit that the present invention as expressed in independent claims 1 and 11 is not anticipated by Jagadeesan. As claim 2 depends on claim 1 and claim 12 depends on claim 11, Applicants also submit

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that these dependent claims are not anticipated by Jagadeesan for the same reasons. Applicants request that the rejection under Section 102(e) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
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